

CAUSE NO. C-2917-16-B

JORGE GARCIA, Individually and on behalf § IN THE DISTRICT COURT OF
of the Estate of ABRAHAM GARCIA, §
deceased, LUIS ROGELIO PUENTE §
MARTELL, Individually and on behalf of the §
Estate of LUIS ROGELIO PUENTE §
VILLELA, deceased, OLIVIA MIRIAM §
VILLELA ORTIZ, Individually, and §
DANIELLA BARAJAS Individually and on §
behalf of the Estate of AURELIANO §
BARAJAS, ANTONIO BARAJAS, §
Individually §
Plaintiffs, §
§
JEANETTA IZELA GARCIA FASSION, §
INDIVIDUALLY AND AS PERSONAL §
REPRESENTATIVE OF THE ESTATE OF §
AURELIANO BARAJAS, DECEASED, §
AND AS NEXT FRIEND OF AURELIANO §
BARAJAS GARCIA, A MINOR, §
INDIVIDUALLY, AND ANDRES §
BARAJAS GARCIA, A MINOR, §
INDIVIDUALLY, §
Intervenors, §
§
v. §
LYCOMING ENGINES, A DIVISION OF §
AVCO CORPORATION, AND AVCO §
CORPORATION; TEXTRON AVIATION, §
INC., CESSNA AIRCRAFT COMPANY; §
MCCREERY AVIATION COMPANY §
INC.; AVIATION MANUFACTURING §
COMPANY, INC. AND INTERSTATE §
SOUTHWEST LTD. §
Defendants. § 93rd JUDICIAL DISTRICT

AVCO AND TEXTRON'S NOTICE OF REMOVAL TO FEDERAL COURT

Defendants, Avco Corporation¹ and Textron Aviation Inc.² file this notice of removal.

Please take notice that Defendants have, pursuant to federal law, filed with the clerk of the United States Court for the Southern District of Texas, McAllen Division, a Notice of Removal, a copy of which is attached as Exhibit "A" and filed with this document, and that this action is removed to United States District Court for trial as of today, March 22, 2023. The case is stayed and the Court is respectfully requested to proceed no further in this action, unless and until such time as the action may be remanded by order of the United States District Court.

Respectfully submitted,

MCGLINCHEY STAFFORD

By: /s/ Brian M. LeCompte

Brian M. LeCompte (Admitted PHV)

Louisiana Bar No. 26967

bblecompte@mcglinchey.com

Francis H. Brown, III

Texas Bar No. 24026662

fbrown@mcglinchey.com

601 Poydras Street – 12th Floor

New Orleans, LA 70130

Phone: (504) 586-1200

Fax: (504) 596-2800

¹ Avco Corporation files this Motion on behalf of itself and Lycoming Engines. Lycoming Engines is an unincorporated division of Avco, and is not a separate legal entity capable of being separately sued.

² Textron Aviation Inc. files this Motion on behalf of itself and Cessna Aircraft Company. Cessna Aircraft Company has been merged into Textron Aviation Inc.

Tarush R. Anand
Texas Bar No. 24055103
tanand@mcglinchey.com
MCGLINCHY STAFFORD
1001 McKinney, Suite 1500
Houston, Texas 77002
Phone: (713) 520-1900
Fax: (713) 456-2196

***ATTORNEYS FOR DEFENDANT AVCO
CORPORATION AND ITS LYCOMING
ENGINES DIVISION***

Gil Peralez
Texas Bar No. 00791426
service@peralezfranzlaw.com
Chris Franz
Texas Bar No. 00792514
ccf@peralezfranzlaw.com
PERALEZ FRANZ, LLP
1416 W. Dove Ave.
McAllen, Texas 78504
Phone: (956) 682-3660

Stephen C. Howell
Texas Bar No. 10107700
showell@brownproctor.com
Cailin M. Ringelman
Texas Bar No. 24060495
cringelman@brownproctor.com
BROWN, PROCTOR & HOWELL, L.L.P.
830 Taylor Street
Fort Worth, Texas 76102
Phone: (817) 332-1391

***COUNSEL FOR DEFENDANTS TEXTRON
AVIATION, INC. AND CESSNA AIRCRAFT
COMPANY***

Kent Rutter
Texas Bar No. 00797364
kent.rutter@haynesboone.com
Christina Crozier
Texas Bar No. 24050466
christina.crozier@haynesboone.com
HAYNES AND BOONE, LLP
1221 McKinney Street, Suite 4000
Houston, Texas 77010
Telephone: (713) 547-2211
Facsimile: (713) 236-5598

***COUNSEL FOR DEFENDANTS AVCO
CORPORATION AND ITS LYCOMING
ENGINES DIVISION, TEXTRON AVIATION,
INC., AND CESSNA AIRCRAFT COMPANY***

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served upon all counsel of record in accordance with the Texas Rules of Civil Procedure on March 22, 2023.

/s/ Gil P. Peralez

Gil P. Peralez

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Iliana Whatley on behalf of Gil Peralez
Bar No. 00791426
igw@peralezfranzlaw.com
Envelope ID: 73904046
Filing Code Description: Notice
Filing Description: Notice of Removal
Status as of 3/22/2023 1:17 PM CST

Associated Case Party: Jorge Garcia

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------------|-----------|---------------------------------|----------------------|--------|
| Shiree DSalinas | | ssalinas@ssalinashaw.com | 3/22/2023 1:04:19 PM | SENT |
| ARTURO JGONZALEZ | | agonzalez.law@gmail.com | 3/22/2023 1:04:19 PM | SENT |
| Jason Webster | | filing@thewebsterlawfirm.com | 3/22/2023 1:04:19 PM | SENT |
| RICARDO A.GARCIA | | ric@gomlaw.com | 3/22/2023 1:04:19 PM | SENT |
| Lino Humberto Ochoa | 797168 | service@linoslaw.com | 3/22/2023 1:04:19 PM | SENT |
| RUSSELL SERAFIN | | rserafin@thewebsterlawfirm.com | 3/22/2023 1:04:19 PM | SENT |
| MIKE MILLS | | mkmills@atlashall.com | 3/22/2023 1:04:19 PM | SENT |
| I. CeciliaGarza | | service@gomlaw.com | 3/22/2023 1:04:19 PM | SENT |
| HEIDI O.VICKNAIR | | hvicknair@thewebsterlawfirm.com | 3/22/2023 1:04:19 PM | SENT |
| ARTURO GONZALEZ | | AGONZALEZLAW@GMAIL.COM | 3/22/2023 1:04:19 PM | SENT |
| STEPHEN C.HOWELL | | SHOWELL@BROWNPROCTOR.COM | 3/22/2023 1:04:19 PM | SENT |
| Susan Sullivan | | ssullivan@atlashall.com | 3/22/2023 1:04:19 PM | SENT |
| Martina Baker | | mbaker@canteyhanger.com | 3/22/2023 1:04:19 PM | SENT |
| LINO OCHOA | | LINO@GOMLAW.COM | 3/22/2023 1:04:19 PM | SENT |
| KAY GREEN | | KGREEN@BROWNPROCTOR.COM | 3/22/2023 1:04:19 PM | SENT |
| NATASHA BREAUX | | NATASHA.BREAUX@HAYNESBOONE.COM | 3/22/2023 1:04:19 PM | SENT |
| GIL PERALEZ | | SERVICE@PERALEZFRANZLAW.COM | 3/22/2023 1:04:19 PM | SENT |
| LINO H.OCHOA | | LINO@GOMLAW.COM | 3/22/2023 1:04:19 PM | SENT |
| TIMOTHY BYRD | | TBYRD@MCGLINCHEY.COM | 3/22/2023 1:04:19 PM | SENT |
| BRIAN LECOMPTE | | BLECOMPTE@MCGLINCHEY.COM | 3/22/2023 1:04:19 PM | SENT |
| MATT MANNING | | MMANNING@MCGLINCHEY.COM | 3/22/2023 1:04:19 PM | SENT |
| KENT RYTTER | | KENT.RUTTER@HAYNESBOONE.COM | 3/22/2023 1:04:19 PM | SENT |

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Illiana Whatley on behalf of Gil Peralez
Bar No. 00791426
igw@peralezfranzlaw.com
Envelope ID: 73904046
Filing Code Description: Notice
Filing Description: Notice of Removal
Status as of 3/22/2023 1:17 PM CST

Associated Case Party: Jorge Garcia

| | | | | |
|-------------------|--|-----------------------------------|----------------------|-------|
| NATASHA BREAUX | | NATASHA.BREAUX@HAYNESBOON.COM | 3/22/2023 1:04:19 PM | SENT |
| STEPHEN HOWELL | | SHOWELL@BROWNPROCTOR.COM | 3/22/2023 1:04:19 PM | SENT |
| CALIN RINGE | | CRINGELMAN@BROWNPROCTOR.COM | 3/22/2023 1:04:19 PM | SENT |
| Christina Crozier | | Christina.Crozier@haynesboone.com | 3/22/2023 1:04:19 PM | SENT |
| NATHAN WINKLER | | NWINKLER@BROWNPROCTOR.COM | 3/22/2023 1:04:19 PM | ERROR |
| NATASHA BREAUX | | NATASHA.NREAUX@HAYNESBOONE.COM | 3/22/2023 1:04:19 PM | ERROR |

Associated Case Party: OliviaMiriam VillelaOrtiz

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------|-----------|-------------------------|----------------------|--------|
| CHRIS FRANZ | | ccf@peralezfranzlaw.com | 3/22/2023 1:04:19 PM | SENT |

Associated Case Party: LuisRogelio PuenteMartell

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------------------------|-----------|-----------------------------|----------------------|--------|
| DEBBIE HUMPHRIES DEBBIE HUMPHRIES | | DHumphries@brownproctor.com | 3/22/2023 1:04:19 PM | ERROR |

Associated Case Party: Daniella Barajas

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|------------------------------|----------------------|--------|
| Jason C. Webster | | filing@thewebsterlawfirm.com | 3/22/2023 1:04:19 PM | SENT |

Associated Case Party: Lycoming Corporation

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------|-----------|-------|--------------------|--------|
| | | | | |

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Iliana Whatley on behalf of Gil Peralez
Bar No. 00791426
igw@peralezfranzlaw.com
Envelope ID: 73904046
Filing Code Description: Notice
Filing Description: Notice of Removal
Status as of 3/22/2023 1:17 PM CST

Associated Case Party: Lycoming Corporation

| | | | | |
|---------------------|--|--------------------------|----------------------|------|
| Teri Rostron | | trostron@mcglinchey.com | 3/22/2023 1:04:19 PM | SENT |
| Francis H Brown III | | fbrown@mcglinchey.com | 3/22/2023 1:04:19 PM | SENT |
| Tarush R. Anand | | tanand@mcglinchey.com | 3/22/2023 1:04:19 PM | SENT |
| Marie Horne | | mhorne@mcglinchey.com | 3/22/2023 1:04:19 PM | SENT |
| Sherri Johnson | | sajohnson@mcglinchey.com | 3/22/2023 1:04:19 PM | SENT |
| Joei Dark | | jdark@mcglinchey.com | 3/22/2023 1:04:19 PM | SENT |

Associated Case Party: Cessna Aircraft Company

| Name | BarNumber | Email | TimestampSubmitted | Status |
|--------------------|-----------|-----------------------------|----------------------|--------|
| Stephen C. Howell | | showell@brownproctor.com | 3/22/2023 1:04:19 PM | SENT |
| Cailin M Ringelman | | cringelman@brownproctor.com | 3/22/2023 1:04:19 PM | SENT |
| GIL PERALEZ | | gpp@peralezfranzlaw.com | 3/22/2023 1:04:19 PM | SENT |
| Debbie Humphries | | DHumphries@brownproctor.com | 3/22/2023 1:04:19 PM | ERROR |
| Pamela Carr | | PCarr@brownproctor.com | 3/22/2023 1:04:19 PM | ERROR |
| Cory Hernandez | | Ahernandez@ssalinaslaw.com | 3/22/2023 1:04:19 PM | SENT |

Associated Case Party: JEANETTA BARAJAS GARCIA FASSIO

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------------|-----------|-------------------------|----------------------|--------|
| Arturo JuanGonzalez | | agonzalez.law@gmail.com | 3/22/2023 1:04:19 PM | SENT |
| Mindy Clark | | mindy@ajg-law.com | 3/22/2023 1:04:19 PM | ERROR |
| Mary LouDoeppenschmidt | | marylou@gomlaw.com | 3/22/2023 1:04:19 PM | SENT |

Associated Case Party: JEANETTA BARAJAS GARCIA FASSIO as Personal Representative of the Estate of Aureliano Barajas, Deceased
EXHIBIT A

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Illiana Whatley on behalf of Gil Peralez
Bar No. 00791426
igw@peralezfranzlaw.com
Envelope ID: 73904046
Filing Code Description: Notice
Filing Description: Notice of Removal
Status as of 3/22/2023 1:17 PM CST

Associated Case Party: JEANETTA BARAJAS GARCIA FASSIO as Personal Representative of the Estate of Aureliano Barajas, Deceased

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------------|-----------|-------------------------|----------------------|--------|
| Arturo JuanGonzalez | | agonzalez.law@gmail.com | 3/22/2023 1:04:19 PM | SENT |

Associated Case Party: Aureliano Barajas Garcia

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-----------------|----------------------|--------|
| Arturo JGonzalez | | art@ajg-law.com | 3/22/2023 1:04:19 PM | ERROR |

Associated Case Party: AVCO CORPORATION

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|--------------------------|----------------------|--------|
| BRIAN MLeCOMPTE | | blecompte@mcglinchey.com | 3/22/2023 1:04:19 PM | SENT |

Associated Case Party: Textron Aviation, Inc.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|-----------------------------------|----------------------|--------|
| Christina Crozier | | christina.crozier@haynesboone.com | 3/22/2023 1:04:19 PM | SENT |
| Michelle Meuhlen | | michelle.meuhlen@haynesboone.com | 3/22/2023 1:04:19 PM | SENT |
| Kent Rutter | | kent.rutter@haynesboone.com | 3/22/2023 1:04:19 PM | SENT |